

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/812,522	03/07/97	GREENBERG	A 488214.004 (G)

CUMMINGS AND LOCKWOOD

FOUR STAMFORD PLAZA
P O BOX 120
STAMFORD CT 06904-0120

F3M1/0619

EXAMINER

RICHMAN, G

ART UNIT

PAPER NUMBER

3302

3

DATE MAILED:

06/19/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 08/812,522	Applicant(s) Greenberg et al
Examiner Glenn Richman	Group Art Unit 3302



Responsive to communication(s) filed on Mar 7, 1997.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 14 and 23-26 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 14 and 23-26 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14,23,24, and 26 are rejected under 35 U.S.C. § 102(b) as being anticipated by Telle.

Telle discloses one or more load cells for determining the weight of said weight plates prior to lift (e.g., see col. 9, lines 41-45), and for determining the weight of said weight plates remaining (e.g., see col. 9, lines 41-56), electronic detection means operatively coupled to said load cells for computing difference data describing the weight of said one or more weight plates lifted from said stack (e.g., see col. 9, lines 41-56), interface means for transmitting said data to a storage means (e.g., see col. 9, lines 41-68).

RR 6/13/97 As for claims 23-24, Miller further discloses means for evaluating one or more physical properties of weight plates (e.g., see col. 9, lines 41-56), processing means for computing data describing the weight of said weight plates being lifted based upon said physical properties (e.g., see col. 9, lines 41-56), height of

said lifted plates (e.g., see col. 9, lines 33-41). and encoder means for detecting the distance moved (e.g., see col. 9, lines 33-41).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Telle.

Telle does not specifically disclose the number of plates lifted; however, as Telle provides load cells providing weight readings for sensing the amount of weight, it would be obvious to evaluate the number of plates and the weight there from.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vinceigurra disclose a weight stack machine having a continuous monitoring of the height and distance of a lift.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Richman whose telephone number is (703) 308-3170.

GR

June 12, 1997



GLENN E. RICHMAN
PATENT EXAMINER
GROUP 3300